

MANDATE

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
THURGOOD MARSHALL U.S. COURT HOUSE  
40 FOLEY SQUARE, NEW YORK, N.Y. 10007

Catherine O'Hagan Wolfe  
CLERK OF COURT

Date: 6/25/08  
Docket Number: 08-2598-pr  
Short Title: Rivera v. Ercole

DC Docket Number: 07-cv-3577  
DC: SDNY (NEW YORK CITY)  
DC Judge: Honorable Richard Berman

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 25th day of June, two thousand eight.

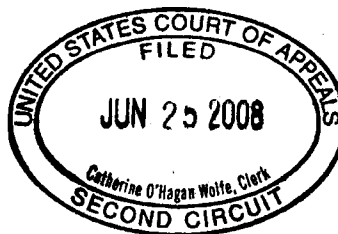
Miguel Rivera,

Petitioner-Appellant,

v.

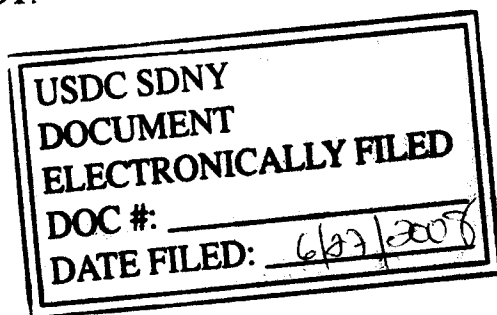
Superintendent Robert Ercole,

Respondent-Appellee.



The *Civil Appeals Management Plan* of this court directs that within ten (10) days after filing a Notice of Appeal, the appellant shall, *inter alia*, either pay the docketing fee or move for leave to proceed *in forma pauperis*, and that in the event of default of this requirement the Clerk may dismiss the appeal without further notice.

The appellant herein not having so proceeded, upon consideration thereof, it is **ORDERED** that the appeal from the order of March 7, 2008 United States District Court for the Southern District of New York be, and it hereby is **DISMISSED**. Any motions pending prior to the entry of this order of dismissal are deemed **MOOT**.



For the Court:  
Catherine O'Hagan Wolfe, Clerk  
By: Gislaine Phillip  
Gislaine Phillip, Deputy Clerk

A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

by

Gislaine Phillip  
Deputy Clerk

Certified:

JUN 25 2008

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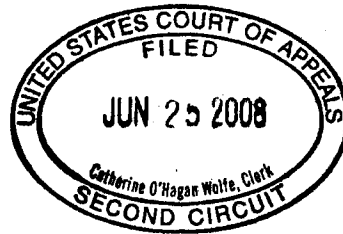
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By: Gislaine Phillip  
Gislaine Phillip, Deputy Clerk

TO: CLERK OF COURT  
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